

**FIRST COUNTERCLAIM FOR FRAUD AND MISREPRESENTATION**

22. That defendant repeats and reiterates each and every allegation above.

23. That plaintiff knowingly, intentionally, maliciously, and fraudulently brought this action without legal authority or standing for the purpose of inducing defendant to pay money he does not owe to plaintiff.

24. Defendant has been forced to answer the purported complaint to prevent entry of a default judgment and does not submit to the jurisdiction of this Court, and defendant has suffered noneconomic damages including but not limited to severe emotional distress and large economic damages including but not limited to monetary loss.

25. That as a result of the foregoing, defendant has been damaged in the amount of One Hundred Thousand Dollars (\$100,000.00) together with punitive damages, monetary loss and fees.

**SECOND COUNTERCLAIM FOR FRAUD AND MISREPRESENTATION**

26. That defendant repeats and reiterates each and every allegation above.

27. That plaintiff knowingly, intentionally, maliciously, and fraudulently induced defendant to respond to this improperly commenced action based upon defendant's process server's misrepresentations in the affidavit of service that service of process was conducted properly in accordance with all applicable laws, for the purpose of inducing defendant to pay money he does not owe to plaintiff.

28. That plaintiff knew that the service of the purported summons and complaint in this action was not conducted properly in accordance with all applicable laws.

29. Defendant has been induced to answer the purported complaint to prevent entry of a default judgment and does not submit to the jurisdiction of this Court, and defendant has suffered noneconomic damages including but not limited to severe emotional distress and large economic damages including but not limited to monetary loss and fees.

30. That as a result of the foregoing, defendant has been damaged in the amount of One Hundred Thousand Dollars (\$100,000.00) together with punitive damages, monetary loss and fees.

**THIRD COUNTERCLAIM FOR FRAUD AND MISREPRESENTATION**

31. That defendant repeats and reiterates each and every allegation above.

32. That plaintiff knowingly, intentionally, maliciously, and fraudulently induced defendant to respond to this improperly commenced action based upon defendant's misrepresentations in the summons that defendant was required to respond, when in fact defendant had no duty to respond because plaintiff had failed to take the necessary actions for the court to acquire jurisdiction over defendant.

33. Defendant has been forced to answer the purported complaint to prevent entry of a default judgment and does not submit to the jurisdiction of this Court, and defendant has suffered noneconomic damages including but not limited to severe emotional distress and large economic damages including but not limited to monetary loss and expenses.

34. That as a result of the foregoing, defendant has been damaged in the amount of One Hundred Thousand Dollars (\$100,000.00) together with punitive damages, monetary loss and expenses.

**FOURTH COUNTERCLAIM FOR FRIVOLOUS CONDUCT**

35. That defendant repeats and reiterates each and every allegation above.

36. That plaintiff, its agents, servants and/or employees knowingly, intentionally, maliciously and fraudulently filed a false affidavit of service in this matter for the purposes of inducing defendant to pay them money and/or respond to the improperly served summons and complaint; harassing, annoying and embarrassing defendant; and causing defendant to waste time and money on legal fees to defend himself in this improperly commenced action.

37. That the above-referenced misconduct constitutes "frivolous conduct" which is punishable through an award of costs, expenses, and sanctions pursuant to 22 NYCRR Sec. 130-1.

38. That as a result of the aforesaid frivolous conduct, defendant has been forced to answer the purported complaint to prevent entry of a default judgment and does not submit to the jurisdiction of this Court, and defendant has suffered noneconomic damages including but not limited to severe emotional distress and large economic damages including but not limited to monetary loss and expenses.

39. That as a result of the foregoing, defendant respectfully requests that this Court award costs, expenses, and sanctions to defendant in the amount of One Hundred Thousand Dollars (\$100,000.00) together with exemplary damages, expenses and costs.

**FIFTH COUNTERCLAIM FOR VIOLATIONS OF THE FEDERAL FAIR CREDIT REPORTING ACT**

40. That defendant repeats and reiterates each and every allegation above.

41. That upon information and belief, plaintiff and/or its attorneys, agents, servants and/or employees, and/or plaintiff's alleged predecessor(s) interest and/or their attorneys, agents, servants and/or employees, repeatedly, knowingly, intentionally, maliciously, and fraudulently reported false, negative information on defendant's credit reports in violation of the federal Fair Credit Reporting Act causing defendant to suffer damages.

42. That as a result of the foregoing, defendant respectfully requests that this Court award the greater of one hundred thousand dollars (\$100,000.00) or \$1,000 for each violation of the Fair Credit Reporting Act or defendant's actual damages including but not limited to damages related to emotional distress and monetary losses, together with punitive damages, and expenses.

**SIXTH COUNTERCLAIM FOR FRAUD AND MISREPRESENTATION**

43. That defendant repeats and reiterates each and every allegation above.

44. That plaintiff and/or other parties that were/are under the control of or acting on behalf of the plaintiff intentionally and maliciously fabricated documents and/or made false statements in documents including but not limited to the dates of execution of said documents for purposes of inducing defendant to pay money to plaintiff.

45. That as a result of the foregoing, defendant has been damaged in the amount of One Hundred Thousand Dollars (\$100,000.00) together with punitive damages and expenses.

**SEVENTH COUNTERCLAIM FOR VIOLATIONS OF THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT**

46. That defendant repeats and reiterates each and every allegation above.

47. That as previously set forth defendant has knowingly, intentionally and maliciously committed numerous frauds and attempted frauds in the course of attempting to collect this alleged debt, all of which constitute crimes under federal,

state and/or local law.

48. Crimes committed by a debt collector in the course of attempting to collect a debt are violations of the Federal Fair Debt Collection Practices Act.

49. That as a result of the foregoing, defendant seeks damages in the amount of One Hundred Thousand Dollars (\$100,000.00) and/or statutory or actual damages and other damages as provided in the Federal Fair Debt Collection Practices Act, including but not limited to punitive damages and expenses.

**WHEREFORE,** defendant demands judgment dismissing the complaint herein and awarding defendant the sums of One Hundred Thousand Dollars (\$100,000.00) on the First Counterclaim, One Hundred Thousand Dollars (\$100,000.00) on the Second Counterclaim, One Hundred Thousand Dollars (\$100,000.00) on the Third Counterclaim, One Hundred Thousand Dollars (\$100,000.00) on the Fourth Counterclaim, and on the Fifth Counterclaim, the greater of One Hundred Thousand Dollars (\$100,000.00) or defendant's statutory damages or actual damages including but not limited to damages related to emotional distress and monetary losses for violation of the Fair Credit Reporting Act, plus punitive damages, together with

defendant's costs, disbursements, and expenses; One Hundred Thousand Dollars (\$100,000.00) on the Sixth Counterclaim; and on the Seventh Counterclaim, the greater of one hundred thousand dollars (\$100,000.00) or defendant's statutory or actual damages including but not limited to monetary damages and damages for noneconomic harm including but not limited to damages related to emotional distress as provided in the Federal Fair Debt Collection Practices Act, together with defendant's costs, disbursements, and expenses; and such other and further relief as the Court deems just and proper.